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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,552	06/26/2001	Douglas W. Wang	MR1035-905	9440

4586 7590 11/19/2004

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/888,552	WANG ET AL.	
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 2, 4 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


 JEROME GRANT II
 PRIMARY EXAMINER

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Detailed Action

1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski.

With respect to claim 1, Parulski teaches a transmission method for transferring information, said method includes transferring data to a single or plurality of devices (downstream server devices, see para. 18, lines 1-4) comprising the steps of:

Providing a control menu at least comprising a name, data and predetermined receivers, this is inherent with regard to the teaching of the reference found at para. 25, lines 7-9; utilizing an image capturing device to (down load instead of scanning, see para. 32, lines 7-10); scan said control menu and the data to be transferred and converted into an electric signal (from units 28 and 30); using a computer server 14 to receive and discriminate said electric signal and then convert said electric signal into

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an image signal, sending out said image signal via said computer server if the result of discriminations is successful; and using an FTP server (network 31, see para. 24, lines 4-9, to receive said image signal and temporarily store it therein so that said receivers can download said image signal from said FTP server to said portable communication devices (ISP's and/or provider 14).

What is not specifically taught is the scanner for entering the control menu and said data which is to be converted to electrical signals. Parulski teaches that such data is downloaded in electrical form. Because there is no apparent advantage between having information scanned verses having it downloaded, it would have been obvious as a matter of design choice to do one or the other for the purpose of acquiring menu and image data for conversion to an electrical signal.

With respect to claims 3 and 9, Parulski teaches the sender code area is further provided on the control menu for discrimination of the sender. This limitation is taught regarding the e-mail account, see para. 24, lines 5-7.

With respect to claims 5 and 10, this limitation is inherent in that an e-mail message contains text as well as images.

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With respect to claims 6 and 11, camera 12 functions as the functional equivalent of a scanner or copier.

With respect to claim 7, Paruski teaches a transmission method for transferring information, said method includes transferring data to a single or plurality of devices (downstream server devices, see para. 18, lines 1-4) comprising the steps of:

Providing a control menu at least comprising a name, data and predetermined receivers, this is inherent with regard to the teaching of the reference found at para. 25, lines 7-9; utilizing an image capturing device to (down load instead of scanning, see para. 32, lines 7-10); scan said control menu and the data to be transferred and converted into an electric signal (from units 28 and 30); using a computer server 14 to receive and discriminate said electric signal and then convert said electric signal into an image signal, sending out said image signal via said computer server if the result of discriminations is successful; and using an FTP server (network 31, see para. 24, lines 4-9), to receive said image signal and temporarily store it therein so that said receivers can download said image signal from said FTP server to said portable communication devices (ISP's and/or provider 14); using software (according to para. 18, lines 6-13 and para. 23, lines 7-10), in said client computer to distribute said image signal according to the setting thereof, select the mode of transmission, and transfer said image signal to said receivers, see paragraph 26, regarding transfer of image data to receivers, such as ISPs.

With respect to claim 12, Parulski teaches reception of said receivers are selected among the groups of network transmission (see page 26), e-mail transmission (i.e., bottom of page 23) , and portable devices (computers which may be attached to the system for receiving generated e-mails).

2.

Claims Objected


Claims 2, 4 and 8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEROME GRANT II
PRIMARY EXAMINER